

WILMER CUTLER PICKERING
HALE AND DORR LLP

SONAL N. MEHTA (SBN 222086)
Sonal.Mehta@wilmerhale.com
2600 El Camino Real, Suite 400
Palo Alto, California 94306
Telephone: (650) 858-6000

DAVID Z. GRINGER (*pro hac vice*)
David.Gringer@wilmerhale.com
ROSS E. FIRSENBAUM (*pro hac vice*)
Ross.Firsenbaum@wilmerhale.com
RYAN CHABOT (*pro hac vice*)
Ryan.Chabot@wilmerhale.com

PAUL VANDERSLICE (*pro hac vice*)
Paul.Vanderslice@wilmerhale.com
7 World Trade Center
250 Greenwich Street
New York, New York 10007
Telephone: (212) 230-8800

Attorneys for Defendant Meta Platforms, Inc.

ARI HOLTZBLATT (*pro hac vice*)
Ari.Holtzblatt@wilmerhale.com
MOLLY M. JENNINGS (*pro hac vice*)
Molly.Jennings@wilmerhale.com
2100 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 663-6000

MICHAELA P. SEWALL (*pro hac vice*)
Michaela.Sewall@wilmerhale.com
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**META PLATFORMS, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Judge: Hon. James Donato

STANDING ORDER PARAGRAPH 31 NOTICE

The parties have agreed to use the approach outlined in Paragraph 31 of the Court's Standing Order for Civil Cases for the rounds of briefing associated with User Plaintiffs' and Advertiser Plaintiffs' motions for class certification, and any related *Daubert* briefing, including Defendant Meta Platforms, Inc.'s Motion to Exclude the Testimony of Nicholas Economides. Meta hereby notifies the Court that the parties will file a combined Administrative Motion to Seal when briefing on the class certification and related *Daubert* motions is complete. That combined Administrative Motion to Seal will address all relevant documents submitted in connection with this briefing. Meta will work in good faith to minimize the amount of material sought to be sealed in that motion in accordance with the applicable standard and this Court's prior guidance. *See* Dkt. 344.

META PLATFORMS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL

Pursuant to Civil Local Rules 7-11 and 79-5(c), Defendant Meta Platforms, Inc. respectfully files this Administrative Motion To File Under Seal portions of its Motion to Exclude the Testimony of Nicholas Economides, and certain documents submitted in support of that Motion. Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(c) provided that the party seeking the relief can show that there are "legitimate private or public interests that warrant sealing" that "injury will result if sealing is denied" and "why a less restrictive alternative to sealing is not sufficient." L.R. 79-5(c)(1).

Pursuant to Paragraph 31 of this Court's Standing Order for Civil Cases, Meta will provide a "more fulsome and revised motion to seal" after the completion of briefing. Meta has lodged under seal deposition excerpts of certain of its current and former employees, which have been designated Highly Confidential or Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Nicholas Economides that reference these materials.

As noted in Meta's associated Motion to Consider Whether Another Party's Information Should Be Sealed, Meta has also lodged under seal the Report and Reply Report of Nicholas

Economides, which User Plaintiffs have designated Highly Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal excerpts from the deposition of Nicholas Economides, which are currently provisionally designated Highly Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Nicholas Economides that reference these materials.

Meta notes that the Economides reports and deposition transcript also contain potentially sealable information from other parties, including Meta and the following non-parties: Alphabet, Inc.; Amazon.com, Inc.; Apple Inc.; Centercode, Inc.; Embee Mobile, Inc.; LinkedIn Corporation; Luth Research LLC; Microsoft Corporation; Nextdoor Holdings, Inc.; Pinterest, Inc.; Reddit, Inc.; Sgrouples, Inc.; Snap, Inc.; TikTok, Inc.; Viant Technology Inc.; and X Corp. (f/k/a Twitter, Inc.). Meta anticipates that all parties will address appropriately tailored sealing requests in the combined motion to seal submitted at the end of briefing pursuant to Paragraph 31 of this Court's Standing Order for Civil Cases.

Meta has lodged under seal the following materials referencing Meta's information:

Document	Portions to Be Lodged Under Seal	Designating Party
Meta's Motion to Exclude the Testimony of Nicholas Economides	Portions highlighted in green	Meta
Ex. 1 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides ("Economides Report")	In its entirety	Meta and User Plaintiffs
Ex. 2 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides ("Economides Reply Report")	In its entirety	Meta and User Plaintiffs
Ex. 3 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides ("Economides Deposition Excerpts")	In its entirety	Meta and User Plaintiffs
Ex. 7 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides	In its entirety	Meta

1 As noted, upon the conclusion of briefing on class certification motions and related
2 *Daubert* motions, the parties will submit a combined Administrative Motion to Seal that will
3 contain additional detail addressing each of the above documents and any additional documents
4 containing Meta's, plaintiffs', and relevant non-parties' confidential information submitted in
5 connection with the briefing on class certification motions and related *Daubert* motions.

1 Date: September 15, 2023

Respectfully submitted,

2 By: /s/ Molly M. Jennings

3 SONAL N. MEHTA (SBN 222086)
4 Sonal.Mehta@wilmerhale.com
5 WILMER CUTLER PICKERING HALE
6 AND DORR LLP
7 2600 El Camino Real, Suite 400
8 Palo Alto, California 94306
9 Telephone: (650) 858-6000

10 DAVID Z. GRINGER (*pro hac vice*)
11 David.Gringer@wilmerhale.com
12 ROSS E. FIRSENBAUM (*pro hac vice*)
13 Ross.Firsenbaum@wilmerhale.com
14 RYAN CHABOT (*pro hac vice*)
15 Ryan.Chabot@wilmerhale.com
16 PAUL VANDERSLICE (*pro hac vice*)
17 Paul.Vanderslice@wilmerhale.com
18 WILMER CUTLER PICKERING HALE
19 AND DORR LLP
20 7 World Trade Center
21 250 Greenwich Street
22 New York, New York 10007
23 Telephone: (212) 230-8800

24 ARI HOLTZBLATT (*pro hac vice*)
25 Ari.Holtzblatt@wilmerhale.com
26 MOLLY M. JENNINGS (*pro hac vice*)
27 Molly.Jennings@wilmerhale.com
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AND DORR LLP
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MICHAELA P. SEWALL (*pro hac vice*)
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Attorneys for Defendant Meta Platforms, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 2023, I caused the foregoing document to be transmitted via electronic mail.

/s/ Molly M. Jennings

Molly M. Jennings